

REMARKS

The Office Action of August 22, 2008, has been carefully considered.

Claims 25 and 30-32 have been rejected under 35 USC 102(b) as anticipated by Capozzi et al, while Claims 27, 33 and 36-38 have been rejected under 35 USC 103(a) as obvious over Capozzi et al. Claim 25 has now been amended to incorporate the recitations of Claim 27, which has been canceled, and claim 25 now recites that the latch closure comprises two elastically deformable spring arms having projections formed thereon for undercut engagement with the mixing nozzle. This recitation was previously included in Claim 33, as well.

By this amendment, the rejection of Claims 25 and 30-32 as anticipated by Capozzi et al has been obviated. With regard to the obviousness rejection, the Office action alleges that it would have been obvious to utilize elastically deformable spring arms in Capozzi et al, "in order to provide a greater means of grasping the attachment for the mixing nozzle."

Initially, Applicants note that the Office action has not cited any references showing elastically deformable spring arms having projections formed thereon for undercut engagement with a mixing nozzle or any other element. Indeed, the Office action has not even alleged that such structures are well known in this art. In the absence of such a citation or allegation, Applicants submit that the Office action has not met its burden for asserting obviousness of the cited claims.

Moreover, even assuming *arguendo* that such structures are known in the art, it would not have been obvious to utilize them in the Capozzi et al device. The means of attachment described by Capozzi et al is disclosed at column 3, lines 21-29:

The collar segments and flanges are sized so that the ears 68 and 70 on spray assembly 20, see Fig. 4, and the corresponding ears on needle 18, with ear 72 shown in Fig. 2, fit between the collar segment when ears are correctly oriented and lock behind the collar segments when the spray assemble or needle assembly is rotated a quarter turn in the clockwise direction, as looking axially towards the larger end of the conical nose.

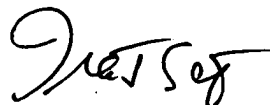
Thus, in order to secure the mixing valve on the assembly of Capozzi et al it is necessary to *push and turn*. The latch assembly according to the invention is a *push only* assembly, made possible by the elastically deformable spring arms, with projections formed thereon for undercut engagement with the mixing nozzle. Merely placing spring arms on the attachment for the mixing nozzle to enable easier grasping, as alleged in the Office action, does not change the basic latching means.

Without any motivation to replace the push and turn assembly, and none has been provided by the Office action, the invention as claimed is clearly unobvious over the cited reference, and withdrawal of this rejection is requested.

The allowability of Claims 28-29 and 34-35 has been noted.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz
Registration No. 28666
Attorney for Applicants
(703)837-9600, ext. 23